

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DAVID C. JUAREZ.,

Plaintiff,

v.

Case No. 24-CV-095

PATRIC J. NOONAN,

Defendant.

ORDER

On January 24, 2025, David C. Juarez, representing himself and who at the time was not incarcerated, filed a motion for sanctions because he states that the defendant, Patric J. Noonan, did not respond to the complaint as ordered by the court's November 5, 2024, screening order. (ECF No. 23.)

The court's screening order required Noonan to respond within 60 days of service. (ECF No. 17 at 5.) When on January 8, 2025, the waiver packet for service came back unexecuted (ECF No. 21), the Clerk of Court's office sent the documents to the US Marshal Service that same day (ECF No. 22). Noonan's attorney appeared on January 31, 2025, (ECF No. 24) and on January 31, 2025, filed a motion to dismiss, which is a responsive pleading, (ECF No. 25). As such, because Noonan timely responded, the court denies Juarez's motion for sanctions.

The court notes that Juarez has yet to respond to the defendants' motion to dismiss. The court will give Juarez one final opportunity to either respond or file a

letter explaining why he is unable to do so by the deadline stated below. Failure to respond by this deadline will cause the court to construe the motion as unopposed and will likely result in the court dismissing the case.

IT IS THEREFORE ORDERED that Juarez's motion for sanctions (ECF No. 23) is **DISMISSED**.

IT IS FURTHER ORDERED that by **April 18, 2025**, Juarez shall either respond to Noonan's motion to dismiss or file a letter explaining why he is unable to do so. Juarez's failure to comply with this order will result in the court construing Noonan's motion as unopposed and will likely result in the dismissal of Juarez's case.

Dated in Milwaukee, Wisconsin this 18th day of March, 2025.

BY THE COURT

A handwritten signature in black ink that reads "William E. Duffin". The signature is written in a cursive style and is positioned above a horizontal line.

WILLIAM E. DUFFIN
United States Magistrate Judge